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IAB IV2296810

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB #IV2296810

Subject: **Armstrong, Penelope, #[redacted], Deputy**

Date: **September 10, 2011 @ 1700 hours**

ALLEGATIONS

It is alleged that Subject Armstrong did not take appropriate action to assist her partner during a struggle.

SYNOPSIS

The allegations are that Deputy Armstrong did not take the appropriate actions when her partner, Deputy [redacted], was being "choked" on the trunk of their radio car, during an altercation with an angry crowd, in the city of Compton as the result of a traffic stop.

The Internal Affairs Bureau was requested to complete an administrative investigation regarding the matter.

BACKGROUND

Deputies [redacted] and Armstrong conducted a traffic stop of a vehicle with no rear license plate. They conducted a traffic stop at [redacted] South Long Beach Boulevard, in the city of Compton, to warn or cite the driver for the violation. The driver, later identified as Suspect [redacted] lived at the above location.

The deputies completed a records check of S/[redacted] and her vehicle. The return showed that S/[redacted] did not have a valid driver's license, and the vehicle's registration was expired by more than six months. Deputies [redacted] and Armstrong cited her for the violation and towed her car. Once the tow truck company removed the vehicle, the deputies attempted to have Suspect [redacted] sign her citation. Suspect [redacted] became uncooperative, and refused to sign the citation. The deputies placed Suspect [redacted] in handcuffs and sat her in the back seat of their patrol vehicle.

While the above was occurring, approximately eight members of Suspect [redacted] family began to congregate around the traffic stop. Deputy [redacted] requested that Sergeant. G. Lucio, and any available unit respond to his location "non-emergent."

Suspect [redacted] began to yell obscenities at the deputies from where she was seated inside the patrol car. [redacted] also yelled various things to the crowd

that was made up of several family members and neighbors. The crowd grew to about 20 to 30 individuals.

Suspect [redacted] sister, Suspect [redacted] became very upset and began to direct obscenities at the deputies, too. Suspect [redacted] attempted to retrieve Suspect [redacted] cell phone from the hood of the radio car; however, Deputy [redacted] took the phone from the radio car and told Suspect [redacted] she could not have it.

Suspect [redacted] became more enraged and challenged Deputy [redacted] to fight. Suspect [redacted] and the crowd gathered at the sidewalk and became more hostile toward the deputies. Deputy [redacted] informed Suspect [redacted] she was going to be placed under arrest for obstructing him in the course of his duties. Suspect [redacted] turned her back to Deputy [redacted] and attempted to walk away from him. Deputy [redacted] grabbed the back of both her arms and turned her toward his radio car.

IAB NOTE: This is the point which the "YouTube" video begins.

She immediately began to resist him and attempted to break free from his grasp. Deputy [redacted] pushed her up against the rear of the radio car to gain control of her.

While Deputy [redacted] began to struggle with Suspect [redacted] several individuals, which included Suspect [redacted] and an unknown male, rushed Deputy [redacted] pushing him against the radio car. Some of them were pulling Suspect [redacted] away from Deputy [redacted] in an attempt to free her.

Suspect [redacted] placed both of his hands around Deputy [redacted] neck and started choking Deputy [redacted] Deputy [redacted] described being temporarily lifted off his feet and his airway being obstructed.

Deputy [redacted] released his hold of Suspect [redacted] and was able to free himself from the grasp of Suspect [redacted] Deputy [redacted] then grabbed Suspect [redacted] by the hair in an attempt to control her as she tried to get away; however, the group of individuals were able to pull Suspect [redacted] away from Deputy [redacted]

Deputy [redacted] separated and distanced himself from the crowd so he could broadcast that he was involved in a fight and in need of assistance.

SUMMARY OF ALLEGATIONS

It came to the attention of the [redacted] staff that on or about September 11, 2011, a video of an alteration between Los Angeles County Sheriff's deputies and citizens in the city of Compton had been circulated via "YouTube."

> **IAB NOTE:** "YouTube" is a video sharing website on which users can upload, share, and review videos. Unregistered users may watch videos, and registered users may upload an unlimited number of videos.

> **IAB NOTE:** A CD containing a copy of the "YouTube" video is included in this case book. A CD containing enhanced versions of the video are also included. **See Exhibit A.**

On September 10, 2011, Deputy Armstrong authored a criminal report detailing the encounter and the eventual arrests. In the report, Subject Armstrong wrote, "I approached from the trunk area, instructed them over and over to "get back," and attempted to push the males off from Deputy [redacted] As we struggled, Suspect 2 was able to free her left hand from Deputy [redacted] grasp. I attempted to grab her right wrist; however, she was flailing her arm wildly and several males were pushing me against the car with their body weight and shielding her from me, and I was unable to."

> **IAB NOTE:** The criminal report written by Deputy Armstrong is included in this case book. **See Exhibit B.**

SUMMARY OF INVESTIGATION

IAB Sergeant Scott Graham reviewed all documentation provided from [redacted] and the "YouTube" video.

The video depicted Deputies [redacted] and Armstrong dealing with an unruly crowd. The video showed Deputy [redacted] attempting to arrest a female suspect. Several persons from the crowd attempt to "lynch" the suspect. Deputy [redacted] became engaged with five persons while attempting to prevent the lynching. He was overpowered by the persons, and was pushed back into the trunk area of the radio car. Deputy Armstrong appeared to be putting out radio traffic. Deputy [redacted] eventually broke free from the persons and put out emergent radio traffic. One of the persons attempted to engage him again. He drew his firearm and pointed it at several people as they approached him. The people backed away, and Deputy [redacted] re-holstered his gun and pulled out his ASP. Deputy Armstrong removed either her gun, or taser, from the holster while remaining at the back of the radio car the entire time. It was later learned that she retrieved a taser.

This is a summary based on statements given during audio recorded interviews by the subject and witnesses. For complete and detailed statements, refer to the digital audio recorded files, and the verbatim transcripts which are included in this investigation.

REVIEW OF RADIO TRANSMISSIONS

Internal Affairs Investigator Scott Graham retrieved and reviewed the radio broadcast during the incident. On the recording at (1909:00 Hours), a unit keys the microphone. At (1909:03 Hours), a second key up is heard. At (1909:05 Hours), a third key up is heard. At (1909:17 Hours), a fourth key up is heard. At (1909:20 Hours), a fifth key up is heard. SCC asks if there is a unit with traffic. At (1909:23 Hours), a sixth key up is heard.
At (1909:31 Hours) another key up is heard, and Deputy [redacted] puts out "[redacted]" radio traffic.

IAB NOTE: Senior Electronics Specialist Adam Woods, assigned to the Sheriff's Communications Center, was able to identify the radio that was keying up as radio number [redacted]. This radio was assigned to Deputy Armstrong. Each of the key ups provided a preamble at the above indicted time periods.

IAB NOTE: [redacted]



IAB NOTE: A CD recording of the Dispatch 9 radio traffic is included in this case book. **See Exhibit D.**

SUBJECT INTERVIEW

Subject Armstrong was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Fred Reynolds on January 12, 2012, at 1003 hours. The interview was digitally audio recorded.

Subject Armstrong said that she and Deputy [redacted] had been partners for about two years.
She and Deputy [redacted] saw the car with no license plates and they conducted a traffic stop. They contacted the driver, and sole occupant of the vehicle. The suspect

did not have a driver's license so she was detained in the back seat of the radio car pending a license status check. They found out that the car had not been registered for a few years so they were going to arrest the suspect for being unlicensed, and then tow the car.

While in the process of towing the vehicle, the suspect's family began coming out of the apartments, which were adjacent to where the traffic stop was taking place. The suspect had stopped directly in front of where she lived. Deputy Armstrong said that the family was upset, yelling, and screaming. They called for their sergeant to come over to their location because the family members wanted to make a complaint.

In between the time they called for the sergeant, and the next several minutes, numerous neighbors and bystanders began gathering, and yelling at the deputies.

She said the suspect's [redacted] were yelling and screaming the insults. Deputy Armstrong said they were upset, but weren't aggressive. The [redacted] were complying at first, and that is when they allowed them to retrieve property from the vehicle before it was towed. She did not feel threatened by them.

Deputy Armstrong said that their intent was to issue a citation to the suspect, and release her in the field. She said that the suspect had a bad attitude, but was not physically aggressive.

When they went to issue the citation, the suspect became upset. She began cussing and screaming, and refused to sign the citation. Deputy Armstrong advised her that if she did not sign, she would have to go to jail. The suspect basically said,"Fuck you, I'm not signing it." At that point, she was handcuffed.

> **IAB NOTE:** Deputy Armstrong authored a report documenting her observations, and actions. **See Exhibit B**.

The crowd yelled more at the deputies telling them, "You can't do this. You can't stop her." Deputy Armstrong still did not feel threatened by the crowd.

She was asked how many people were in the crowd. She stated, "It just multiplied 'til I don't know, 50, 60, some, some people say 80. I don't know." People were on both sides of the street; however, the majority was on the side that they conducted the traffic stop.

Based on the crowd size estimate, she was asked again if she felt threatened. She stated, "I mean I didn't feel threatened, no. I mean we get people yelling all the time. No one likes us. I'm kind of used to that. I get called every name. It doesn't bother me, but they were not assaultive, they weren't throwing anything, they weren't aggressing us. They were just, you know, standing back on the grass and people had their videos out, just screaming, you know, fuck you pigs, that kind of thing."

Deputy Armstrong was asked what led up to the altercation. Below is an excerpt from her interview:

Armstrong: From what I saw like I said, everyone's upset, the sister was really mouthy. She's....

Graham: This was the one outside of the car?

Armstrong: The sister of the...yes, the suspect, I think she's 22 or something. She's being mouthiest from the beginning, but didn't really bother me, but I guess...from what I could tell, she called my partner a nigger and that apparently made him really mad and he snatched her up.

Graham: Did he...did you guys warn her or he warn her that they...she needed to mind her own business or she was going to...?

Armstrong: Oh, yes, the whole time. We told her back off, let us do our job, we'll be out of here, but....

Graham: And so....

Armstrong: And we did tell, we did tell her and her mother at some point if you interrupt what we're doing, we can arrest you for that, so just back up and let us finish our job.

Graham: And so Deputy [redacted] went to arrest her, do you know why?

Armstrong: As far as I know, she was just yelling insults. You know, come on fight, you guys are bitches, you know, throwing the N bomb out, that's all I saw.

Graham: So he arrested her for interfering then basically is what you're telling us.

Armstrong: I guess she was arrested at that point. I don't know. That's why he grabbed her, from my point of view.

Deputy Armstrong said as Deputy [redacted] attempted to effect an arrest of the sister, the crowd became upset. Several men from the crowd moved in and tried to pull her away from Deputy [redacted]
As Deputy [redacted] struggled to hold onto the sister, Deputy Armstrong said she was at the trunk of the car. She moved in and tried to grab the suspect's hand, but said, "There was a couple of large guys and they're kind of pushing me back and I'm trying to push them off." She said, "I figured this is getting ugly. Let me get some units over here." She indicated that they were much larger than she was so, she stepped back and got on the radio asking for units.
While she was putting out radio traffic, she said that it was a back and forth struggle

between Deputy [redacted] and the males, over the suspect.

When asked if SCC acknowledged her, she stated, "You know, it was hard to hear because at least if there's...at that point there was a large crowd. Everyone's screaming, she's screaming, the guys are screaming, the crowd's screaming, the mom's screaming. I had a really hard time hearing it. I turned it up all the way and I'm putting out our location, you know, and I figured the best way to get location, to get units there quickly is to go through dispatch 'cause I know there's one person in one room with headphones and five are listening rather than if I got on the patch, I knew it'd be screaming. I couldn't even hear myself. So I went on dispatch and said hey, we're at Long Beach and Schinner, we need some units, you know, for unruly crowd."

IAB NOTE: At this point in the interview, we reviewed the "YouTube" video and asked questions regarding Deputy Armstrong's actions.

IAB NOTE: The video depicts Deputy [redacted] attempting to arrest the suspect. He and the suspect end up at the rear quarter panel of the radio car. Deputy Armstrong moved closer to assist him. As the male suspects approached him, Deputy Armstrong backed away toward the back of the radio car. Deputy [redacted] struggled with the suspect. Deputy Armstrong moved behind the radio car and attempted to put out radio traffic. Deputy [redacted] was still in the crowd against the radio car. Deputy Armstrong made motions with her left arm. The female suspect in the back seat of the radio car kicked out the window. Eventually, Deputy [redacted] moved from the crowd toward the back of the radio car. He walked around the driver's side of the radio car, toward the front. He walked to the rear of the radio car and put out radio traffic. Deputy Armstrong positioned herself on the driver's side of the radio car. Two males and a female escort the female suspect to the sidewalk. Deputy [redacted] was still putting out radio traffic. He saw a male and tried to grab his arm. As he did, two females and a male approached him. Deputy [redacted] pushed the female away from him. Deputy Armstrong came over near him as two more males approached, totaling five persons. Deputy [redacted] drew his gun and pointed it at the crowd. Three people turn and walk away. Deputy [redacted] put his gun away. Deputy Armstrong pulled out what was later learned to be a taser.
Deputy [redacted] pulled out his collapsible baton, and the two remaining males backed away from him. He walked toward the persons, and the suspect who was taken from him. Deputy Armstrong remained at the trunk area of the radio car.

00.15 - Deputy Armstrong is asked if she sees herself in the video. She replied, "I'd have to back up to 14, but yeah, in that split second is where I...I was in the middle, I even have a burn on my hand to prove it. Yes, I was in the struggle. I, I could not fight

six people. The, the quickest way to get help is yes, to back up a foot or two and get on the radio. And like I said, he wasn't in any danger. No one had hit him. He hadn't hit anybody. He wasn't using force. It was over this girl."

IAB NOTE: On page 10 of Deputy Armstrong's interview, she said the suspect had a cigarette which left a small burn on her arm. In a second interview with Deputy [redacted] he was asked if the female suspect was smoking, or had a cigarette. He said, "No."

Suspect [redacted] also said in her interview that she did not have a cigarette.

IAB NOTE: From 00.15 - 00.21 in the video, it appears that Deputy Armstrong is trying to put out radio traffic. From 00.21 - 00.28 it appears that Deputy Armstrong is motioning with her left arm and saying something to the crowd. From 00.28 - 00.34, it appears the Deputy Armstrong is trying to put out radio traffic. At 00.34, Deputy [redacted] is freed from the crowd as they escort the female suspect to the sidewalk. From 00.34 - 00.39, it appears that Deputy Armstrong is trying to put out radio traffic until the camera turns and she is out of view. Deputy [redacted] is now seen putting out radio traffic.

00.57 - Deputy Armstrong is asked why she is walking toward Deputy [redacted] Below is an excerpt of her transcript.

Graham: Why are you walking over there, do you remember?

Armstrong: Just because, you know, he's there by himself and there's that small passageway between our trunk and the next car, so I placed myself in the middle of it.

Graham: And why did you want to do that?

Armstrong: Tactical advantage, I guess if there's a kicked out window in the back, I know she wants to get out, I don't want her to escape. We had a crowd of 60 plus still. If, if there is a threat, it's gonna be there and in front. Right here. I want to be close to the problem. If something happens, I could be right there.

Graham: What's happening there?

Armstrong: I mean I see a girl with red hair approaching, but at this point they're still just yelling.

Graham: Let me back it up a hair. You see that?

Armstrong: I see him push the dad, or push somebody away.

Reynolds: 0059.

Graham: Let's watch it again. You see it? It's not pushing him, he's trying to grab him. Any idea why?

Armstrong: No.

Graham: And you're at the trunk, trunk of the car for your tactical positioning, what are you thinking at this point?

Armstrong: Besides this is going to shit? That we're waiting for units to come. They're on their way and I'm trying to keep the crowd calm before it goes into a riot, melee, and everyone...everyone is still really upset. Everyone is screaming. I'm trying to keep them calm so it doesn't turn into two against 80.

IAB NOTE: Several times during the interview, Deputy Armstrong was asked if she ever perceived any of these actions as a threat; she said, "No."

1:11 - Deputy Armstrong is asked what she is doing to keep everybody calm. She stated, "The whole time I was saying get back, calm down. There's actually a couple guys in there that were doing the same thing saying...there's a guy in black and another guy saying calm down, you know, we're not trying to hurt anybody, just relax, relax, back up and I was doing the same thing, hey, back up, relax, it's fine. You know, the girl that they had lynched was on the phone. She didn't run away. She was still there. I knew in Compton, units come pretty quick, so I'm just trying to keep everything calm, kind of de-escalate this whole mess until we get help 'cause I don't think it's fair to have two on 60 or whatever it was."

1:21 - Deputy [redacted] holsters his gun. Below is an excerpt from her transcript.

Graham: At this point it appears he puts his gun away.

Armstrong: Yeah, you know, these...the, the mother right there in the red, that whole time she didn't do...and thank God it wasn't my mom, she didn't do anything other than hold her video and she yelled a little bit. Those two guys right there were saying, calm down the whole entire time. So no, I didn't...I mean of course anything could be a threat, but I didn't perceive a threat at all at that point, no.

IAB NOTE: No other videos of this incident were learned about, or recovered during this investigation.

Graham: What's going on now, same stuff?

Armstrong: As far as I could tell, yeah. Yeah, she's got (INAUDIBLE).

Graham: What'd you just pull out?

Armstrong: The taser.

Graham: Why?

Armstrong: Just because they weren't backing up and I want to be ready in case someone did, did start punching or something.

Reynolds: So you did perceive a threat?

Armstrong: I perceived a possible threat coming. It was a, it was a very touchy situation, it was very fluid, so yeah.

Graham: But up until that point you didn't perceive a threat?

Armstrong: No.

Graham: All right, so what's going on now?

Armstrong: [redacted] has his baton out and it looks like he's aggressing...I mean the crowd, I don't see them aggressing him, I see they're huddling by the sidewalk. They're kind of staying there. They're still insulting and yelling, but I don't...I mean to me distance is my friend, I'm not gonna aggress an angry crowd. We have a couple seconds, units are coming and they're backed up, I'm good. I don't...I'm not gonna aggress them. So I don't have my baton out, but he does.

Graham: Did you have your taser out still or did you put it away, if you remember?

Armstrong: I believe I put it away. I, I had it out because they were kind of close and I'm like hey, I'm serious, I will tase you, but they didn't threaten me. I didn't feel threatened. They never assaulted me, they never assaulted him. We didn't assault anybody.

Reynolds: 0136, and is it possible that he took this stance to keep a hostile crowd at bay rather than being an aggressor?

Armstrong: You have to ask him, I don't know.

Reynolds: But you just said that he was an aggressor. That's why I'm asking you.

Armstrong: He was walking towards them. That's...he was physically walking towards them.

Reynolds: So you don't think he was keeping them at bay, he was aggressing them?

Armstrong: I...my perception?

Reynolds: Yes.

Armstrong: He was aggressing them, but you'd have to ask him, I don't know.

1:54 - Deputy Armstrong said she remained at the trunk of the radio car to keep a tactical advantage watching the crowd, as well as the suspect in the back seat. She was asked at this point, what was more important, safe guarding the prisoner, or assisting her partner. She stated, "I don't think I have to choose one. I mean I can do all of that. If I...if he's a couple feet in front of me, I could be there in a split second. So yeah, yes, of course his safety is most important."

2:00 - Deputy Armstrong is asked what she has in her hands. Below is an excerpt from her transcript.

Armstrong: Could be my mic. I'm talking with my mic like this. But at one point I took it off and, and put it to my ear because I couldn't hear, so the only thing I would have in my hands was my mic. And honestly at this point I'm trying to stand back a little bit. In my opinion, he...by him aggressing or coming forward with the baton is making them more angry and more aggressive. So I'm trying to keep, keep calm and keep this from turning into a big melee.

Graham: You're trying to keep calm?

Armstrong: Well I'm calm, I'm trying to keep everyone calm and, and I think if two of us are aggressing and it'd turn into a big fight would be...it'd be disaster.

Reynolds: So you don't think the purpose of the crowd at that point was to try to lynch the female in the back of the car?

Armstrong: I don't know.

Gibbons: There's nobody's doing that. There's nobody in this so far that's gone towards her.

Reynolds: Is it possible that they didn't do that because he was keeping them at bay, keeping them away from the police...from the patrol car?

Gibbons: It's also possible they didn't do it because she's standing right next to 'em.

Graham: According to the video, you say you're trying to keep the crowd calm?

Armstrong: Uh-huh (AFFIRMATIVE).

Graham: What are you doing? I'm not seeing anything in the video. Are you yelling or...'cause I'm not seeing any gestures like stay back and like can you tell me how you're keeping the crowd calm?

Armstrong: At...well I was saying stay back, calm down, calm down, calm down. And by me keeping the entire thing calm, I'm positive that I'm...if not the sole reason, the main reason these people didn't go, go off and start, start hitting us and throwing stuff. They, they were pretty angry. As you can see with [redacted] they're pretty angry and as he...as they go away, he kind of follows 'em and they get more angry. So my perception by me being calm, if I was doing the same thing saying hey, you know, F you, F you, whatever, approaching these people with my baton out, I, I'm positive it would turn into a riot, a very dangerous situation, which I would've gotten hurt, he would've gotten hurt, and anybody else.

Deputy Armstrong was asked if she at anytime during the incident saw Deputy [redacted] get assaulted, she stated, "No."

2:46 - Deputy Armstrong moved closer to Deputy [redacted] She said she did this in order to identify who should be arrested, detained, and questioned.

> **IAB NOTE:** The next portion of this interview was conducted at the conclusion of the video.

Deputy Armstrong was asked if she was aware that her partner was being choked on the trunk of the car. Below is an excerpt from her interview.

Graham: All right. Do you...were you aware that your partner was being choked on the trunk of the car...

Armstrong: No.

Graham: ...during this video?

Armstrong: I never saw that. I still don't see it. I don't remember at all, no. He told me that after as we're writing the report, but I didn't know at that time at all, no. I had no idea.

Graham: All right. Did your partner and you ever discuss...did he ever at any time tell you to stay out of any fights?

Armstrong: Stay out of fights? No.

Graham: During the struggle on the quarter panel of the car, did Deputy [redacted] ever ask you for help?

Armstrong: No.

Graham: Sergeant Reynolds, you got any questions?

Reynolds: Yeah. When your partner was on the, the quarter panel of the car, did you perceive him to be in danger at all?

Armstrong: No.

Reynolds: Did he ask you for help?

Armstrong: No.

Reynolds: During this incident, were you afraid?

Armstrong: No.

Deputy Armstrong was asked to clarify a point in the SHAD 49 report that she wrote. She wrote, "I approached from the trunk area, instructed them over and over to get back and attempted to push [the] males off of Deputy [redacted] As we struggled, suspect two was able to free her left hand from Deputy [redacted] grasp. I attempted to grab her right wrist however she was flailing her arm wildly and several males were pushing me against the car with their body weight and shielding her from me. I was unable to."

Below is an excerpt from her interview.

Graham: Referencing the video, and like once again, it's two dimensional and it's not conceptual, did you get pushed against the car by the males, if you recall?

Armstrong: Well it's kind of hard to explain it, but say there's the trunk here, I'm coming towards the trunk and they're pushing their body weight against the car, so the only way for me to get in between which would be wedge myself between the trunk and their, and their body weight, which I didn't do. Does that answer or...?

Graham: Well kind of, but it says several males were pushing me against the car with their body weight. Were you wedged between the car and these males?

Armstrong: Wedged, no, no. Maybe against...maybe I...you know, against, like I'm, I'm against as being pushed back. I was never pinned between anywhere in the car.

Graham: Is that...I understand it's...your mind set at what's going on and you're writing a report later and when the video comes back, sometimes things are a little different than what we recall. So at no time...well, you don't remember them pushing you against the car with their body weight?

Armstrong: Against the car, yes, but between the car and them, no. Does that....

Graham: Explain what you, you mean against the car.

Armstrong: Well okay, if I'm at the trunk and I'm trying to reach someone that's at the quarter panel, I'm gonna be going, you know, towards my left, but they're pushing me against the car pushing me back. So that means I wasn't in between the car and a bunch of people. I was never pinned, no, but I'm trying to move in, I'm trying to move in to the side of the car and they're pushing me against it and out of it. Like I'm, I'm not letting them (talking over).

Graham: But are they blocking you or forcefully pushing you out of the way?

Armstrong: They're...I, I would say blocking with their body weight. I mean I was not...what my point was, I'm not in the middle of the street and they're pushing me. I'm against the car. They're right here and I'm trying to get in and their body weight and they're pushing, they're pushing me out. No one hit me, no one pinned me against...that would be a threat to me if I was pinned between a car and a bunch of people.

Graham: I...what I'm trying to do here is I'm not trying to put you on trial by any means.

Armstrong: I understand.

Graham: I'm just trying to match your report with what took place in the video because at no time did I ever see, did I ever see you getting pushed against the car with their weight.

Armstrong: Okay.

Graham: So I just want to, I just want....

Gibbons: But I think there's a lot of points in the video where you can't see her because of the bigger guys who are between the person taking the video and the car. So the fact that you can't see it on there doesn't mean it didn't happen.

Graham: But, and so you were never wedged between the people and the car, they were more or less kind of blocking you from getting to help Deputy [redacted]

Armstrong: They're pushing...right, exactly, and if I was wedged, that would be a whole different scenario. I would take that as a threat obviously.

Graham: And....

Reynolds: What...I'm sorry, Scott.

Graham: What were you, what were you trying to get to Deputy [redacted] to do in this incident?

Armstrong: Well because she...he has a hold of her like I said before and then towards maybe like the back, the back seat window area and then she's spread out like this because he has one hand, she has one hand free. The closest way to get to him through her to get a hold of her is right where these guys are standing. So we're on opposite ends. I'm trying to get through this way. The girl's in the middle.

Graham: And why were you trying to get in?

Armstrong: To grab a hold of the girl that he's trying to hold on to. She's trying to get away.

Graham: And if you had known that Deputy [redacted] was getting choked, would you have done something different?

Armstrong: Oh, of course, absolutely.

Refer to Deputy Armstrong's verbatim interview transcript for further details.

WITNESS INTERVIEWS

[redacted], Deputy #[redacted]
Witness [redacted] is assigned to the [redacted] He was interviewed by Internal Affairs Sergeants Scott Graham, and Fred Reynolds on

December 22, 2011, at 1320 hours. The interview was digitally audio recorded.

Witness [redacted] said that he and Subject Armstrong had been partners at [redacted] for over one year.

On September 10, 2011, he and Deputy Armstrong conducted a routine traffic stop on a vehicle for no license plates. During the traffic stop they learned that the driver did not have a driver's license, and the vehicle had not been registered for over a year. Deputy [redacted] also noticed that the driver had 15-20 lacerations on her left inner arm. This indicated to him that she may have some type of emotional problems. In order to prevent any possible problems with her, he placed her in the back seat of their radio car pending the vehicle code violations investigation.

While the suspect was in the back of their car, the suspect's mother approached them and inquired why they pulled her over. Deputy [redacted] explained the reason, and the mother indicated it was fine. A few minutes later, another female arrived, riding on a scooter. This was the suspect's sister, [redacted] [redacted] She was belligerent toward the deputies from the onset. Both the suspect in the back of the radio car, and the mother, told [redacted] to leave because all she did was cause problems. Eventually she left. Deputies [redacted] and Armstrong continued their vehicle code violations investigation. They explained the violations to the suspect, and told her they were going to issue her a citation, and tow her car. She was cooperative with them. While writing the citation, the suspect's father came over and asked them why they stopped his daughter. They explained the reason for the stop, and what was taking place. The deputies allowed the parents to remove items from the car, before it was towed.

As the parents were gathering items from the car, [redacted] [redacted] came back and "starts going crazy again." She was yelling and cursing at Deputy [redacted] Deputy [redacted] said, "Ok, that's enough stuff you know, we told the... we closed the doors and closed the trunk, and then told the tow truck driver go ahead and take the vehicle."

At this point [redacted] [redacted] was yelling so loud that people started coming out from the apartments. [redacted] told the mother, "Hey, grab her phone 'cause all of her belongings are on the, on top of the front hood." Deputy [redacted] told them to not take anything. [redacted] walked over and said, "Fuck you, I'm gonna grab some...I'm gonna grab my sister's phone."

Deputy [redacted] told her to quit interfering, or he was going to take her to jail. [redacted] squared up on Deputy [redacted] and said, "Fuck you, if you didn't have that uniform on, I'll fuck you up! I'll kick your ass!"

Deputy [redacted] told Deputy Armstrong to have the suspect in the back of the car sign the citation, so they could leave because a crowd was gathering. When Deputy Armstrong took the citation to the suspect in the back of the radio car, she started going "ballistic." Deputy Armstrong suggested that they have a supervisor come over. Deputy [redacted] said, "Yeah, that's fine, maybe if he comes out here, you know, talks

to the supervisor and she'll sign the citation and we'll get out of here."

Deputy [redacted] got on [redacted] and requested that Sergeant Lucio come to their location (non-emergent) and requested one to two units come with him.
Deputy [redacted] attempted to arrest [redacted] He told her he was going to place her under arrest. She turned her back to him and said "Fuck you," and walked away. As Deputy [redacted] attempted to take hold of her, he said, "She goes from zero to 100 like in a matter of seconds and that's when the person in the video, I guess the person who uploaded the video, he started recording. And from there, you know, that's when the struggle was on."

IAB NOTE: The "YouTube" video begins at the point Deputy [redacted] attempts to arrest Suspect [redacted]

As Deputy [redacted] attempted to arrest suspect [redacted] Suspect [redacted] who was seated in the back seat of the radio car, kicked out the back window. Deputy [redacted] heard the glass shatter.

IAB NOTE: Deputy [redacted] and the suspect's actions were documented in the Supervisors Use of Force Report, and SHAD 49, which are included in this case book. See **Miscellaneous Documents, and Exhibit A.**

IAB NOTE: Deputy [redacted] authored a Supplemental Report documenting his actions. **See Exhibit C.**

Deputy [redacted] explained that as he struggled with Suspect [redacted] she pulled him toward the radio car. As he tried to place her hands behind her back, four to five people advanced on him. Suspect [redacted] father, [redacted] reached through the crowd and choked Deputy [redacted] He began yelling to let his daughter go.

Deputy [redacted] stated:

> *I couldn't breathe at all. I was like oh, and in my mind like oh shit. You know, 'cause it caught me off guard because like I said he was compliant at first. So when he grabbed me around my neck and started squeezing me and started yelling and like I said the way he looked, I'm like in my mind, I'm like whoa, this is, this is real serious. This went from, you know, something...a big nothing to something huge now. So I immediately got scared.*
> *I'm like okay, so I couldn't say anything at first so that's when I let the girl go and I took hold of his hands. When I took hold of his wrists and pulled them off of my neck, that's when I looked over to Penelope and I'm like, hey get on the patch, get on the patch, you know.*

Deputy [redacted] said that when he looked over at Deputy Armstrong, she was just standing there. Deputy [redacted] was asked if Deputy Armstrong was in a fighting stance or trying to engage anyone. He said she was just standing there. He further stated, "It was, it was just brief. You know, I just took...like I said, I saw her and I said what I said, hey, get on the patch, get on the patch. I didn't, I didn't see anything so that's when I pushed the guy off of me, the father off of me, then I just ran over to the side and I just put out the traffic." After he requested the "Patch" and SCC acknowledged him, he was confident that Compton units were rolling hard to get to his location.

Deputy [redacted] did not remember Deputy Armstrong getting on the radio, nor what Deputy Armstrong was doing at that time.

Deputy [redacted] said his head started to clear and he looked up and saw Suspect [redacted] He attempted to detain him after being assaulted. As he tried to detain Suspect [redacted] five more people approached him. Fearing for his safety, Deputy [redacted] pulled out his gun and ordered everyone to get back. He said he did not know where his partner was at that point. As the people backed off toward the curb line, Deputy [redacted] holstered his gun, and retrieved his collapsible baton. He ordered the crowd to stay on the sidewalk, and he waited for responding Sheriff's units to assist him.

Deputy [redacted] does not remember if he and Deputy Armstrong had ever talked about, trained, or planned for any type of situations. He does remember they did attend training at Laser Village one time.

Deputy [redacted] said that he and Deputy Armstrong have never been in a situation where she used force. He also said that no conversations had taken place where he told her to not get involved in any fight he was in.

When he was asked if he ever asked her for help, he said the following:

Graham: During the struggle over the trunk of the car when you're being choked and you had all those people around you, did you ever ask her for help?

[redacted] No, when I just said get on the patch, get on the patch.

> **IAB NOTE:** In the re-interview of Deputy [redacted] he made the same statement as above including, "Come help me out!"

Graham: So that was the only thing you told her you needed done was get on the patch?

[redacted] Yes.

Graham: Did she do anything while you were involved in that struggle to help you?

[redacted] No, I don't know, I was too busy trying to get those people off of me.

Graham: Looking back at, at this thing and it's kind of, kind of hard to say but do you think she should have done anything different in this incident?

[redacted] The radio traffic would have been cool.

Graham: Anything else might have been helpful that you can think of?

[redacted] Just mixing it up a little bit, that would have been nice.

Graham: What do you mean by mixing it up?

[redacted] Just assisting me, you know, getting some people off of me.

Deputy [redacted] never discussed his expectations with Deputy Armstrong if he was involved in a fight stating, "To be honest, no, because you know, in my frame of mind, that's something, that pretty much comes with our job. It should be kind of just pretty much off of instinct. I don't think that I would have to tell any Deputy Sheriff whether they are on training or in a specialized unit, you know, what to do. I mean if, if I need assistance or if I...obviously if I need assistance then, you know, it should be natural for any of us to react."

Deputy [redacted] was asked if he and IAB Sergeant Reynolds were partners, what would he have expected him to do. He said what he would expect any Deputy Sheriff to do is help him, "Period."

Refer to Witness [redacted] verbatim interview transcript for further details.

RE- INTERVIEW OF DEPUTY [redacted]

Witness [redacted] is assigned to the [redacted] He was re - interviewed by Internal Affairs Sergeants Scott Graham, and Jeff Hamil on February 13, 2012, at 1013 hours to clarify items learned during the investigation. The interview was digitally audio recorded.

Deputy [redacted] was asked if the sole reason he arrested Suspect [redacted]. [redacted] was because she called him a "nigger." He said, "No." [redacted] further said that they gave her several opportunities to stop interfering. When she decided to challenge him, he said, "enough is enough." He said that he had warned Suspect [redacted]. [redacted] three to four times to stop interfering.

IAB NOTE: In Deputy Armstrong's interview, she said that Deputy [redacted] arrested Suspect [redacted]. [redacted] because she called him a "nigger" (bottom of page 9 in her transcript).

Deputy [redacted] was asked if Suspect [redacted]. [redacted] was smoking, or had a cigarette at the time of the incident. He said, "No."

IAB NOTE: In Deputy Armstrong's interview, she said that Suspect [redacted]. [redacted] had a cigarette, and she had a burn on her arm because of it (bottom of page 10 in her transcript).

Witness [redacted] said that during the incident, he did not use profanity. He did say that in his personal life, he does use profanity; however, at work he attempts to be as professional as he can.

Witness [redacted] was asked when Deputy Armstrong knew he had been choked. He said that when the Dad (Suspect [redacted] placed his hands around him and began yelling, he pulled the suspect's hands off of his neck and told Deputy Armstrong, "Hey, get on the patch. Get on the patch. Come help me out!" Deputy [redacted] said their eyes made contact and she just stood there. He figured at this point he was on his own.

IAB NOTE: In Deputy Armstrong's interview, she said that Deputy [redacted] never communicated with her (bottom of pages 37and 44, and the top of 45 in her transcript).

He was asked if she knew at the time he was being choked, or if she learned about it later on. He said, "I know she saw me." He further said that she was present during the incident, and knew what had happened.

IAB NOTE: In Deputy Armstrong's interview, she said that she learned that Deputy [redacted] had been choked after the incident, while writing the report (middle of page 37 in her transcript).

Deputy [redacted] said he did not recall her telling the crowd to back away, get back or anything. He stated, "I'm not saying she didn't, but I don't recall."

Witness [redacted] was asked if Deputy Armstrong ever tried to help him with the female suspect, while on the trunk of the radio car, with the crowd of people. He said, "No." He further said that he did not see her get pushed, or shoved out of the way. He was asked if he had "tunnel vision," and maybe she was pushed out of the incident. He stated, "No, I don't remember that at all.
My, my attention was focused on the, the suspects that I was dealing with and focusing on the crowd as well. As I said before, once I made contact, eye contact with, with Penelope and just my opinion and just in my opinion, I just saw her freeze, you know, so once I saw that, then I had to deal with things accordingly and just go, pretty much

go from there."

He was asked if he had a partner who displayed more command presence at the time of this incident, would it have gotten to level it did. He said, "My opinion, I think the crowd got a little more bolder, little bit more bold because they only saw me, you know trying to get people back or just say some things."

He told us he heard Suspect [redacted]. [redacted] say things to him. He in particular heard her say after she was lynched, " .....you were by yourself, your partner didn't even fuckin' help you. Give me two minutes with that bitch, I'll fuck her up."

Refer to Witness [redacted] verbatim interview transcript for further details.

REVIEW OF DETECTIVE INTERVIEWS WITH THE SUSPECTS IN-CUSTODY

Sergeant Graham received an audio CD containing the [redacted] Detective interviews with the suspects from the criminal case. He listened to all seven suspect interviews, focusing on statements pertaining to Deputy Armstrong's actions during the incident. He listened to interviews with suspects [redacted] and [redacted]

The only suspect who was interviewed that talked about Deputy Armstrong's actions was [redacted] The following is an excerpt from her transcript. She stated the following about Deputy Armstrong;

Defendant: And then everybody's like, "Let her hair go. Let her hair go. Why you doing that? Why you pulling her hair for?" And then he's still holding on to my shit tugging it. And then when he finally let go, that's when he pulls out his -- his stick and the fe -- his partner goes hiding on the other side of the car while he's over there trying to handle all of us.

Detective [redacted] Okay.

Defendant: And I'm like, "look at you. Look at your partner. Look at your partner. She a scary bitch. She standing over there while you over here by yourself." That's why he called backup.

Detective [redacted] Okay.

Defendant: 'Cause she wasn't doing not a damn thing.

IAB NOTE: A copy of the Detective's interview transcription with [redacted] are included in this case book. **See Exhibit E, pages 10-11.**

[redacted] Suspect

Witness [redacted]. [redacted] was interviewed on February 16, 2012, at 1208 hours. The interview was conducted at her residence at [redacted] S. Long Beach Bl, Apt. [redacted], in the city of Compton by Sergeants Scott Graham, and Fred Reynolds. The interview was digitally audio recorded.

Witness [redacted]. [redacted] told us that she was arrested by Deputy [redacted] because he was upset that they were taking pictures of her sister's vehicle, and of him. She became upset when Deputy [redacted] tried to slam the trunk of the car that was being towed, on her mother's hands. That is when she began to "mouth off" at him. She said that she was told once to basically, back off, and let the deputies do their job.

She was asked if she was smoking, or had a lit cigarette at the time of the altercation. She told us, "No."

> **IAB NOTE:** No photographs of this incident were learned about, or recovered during this investigation.

> **IAB NOTE:** Deputy Armstrong said during her interview that Suspect [redacted] had a cigarette in her hand, which caused a burn to her arm.

Witness [redacted]. [redacted] told us that the female deputy did not do anything, during the entire incident, to help the male deputy. She stated, "I even had to tell him himself, I threw it in his face like look, you're over here trying to handle all of us and your partner's standing over there doing nothing, just watching."

Witness [redacted]. [redacted] said that she never heard Deputy Armstrong tell her, or the crowd to back away, back up, or to calm down. She stated, "No. She only pulled out her taser and just stood there. That was it."

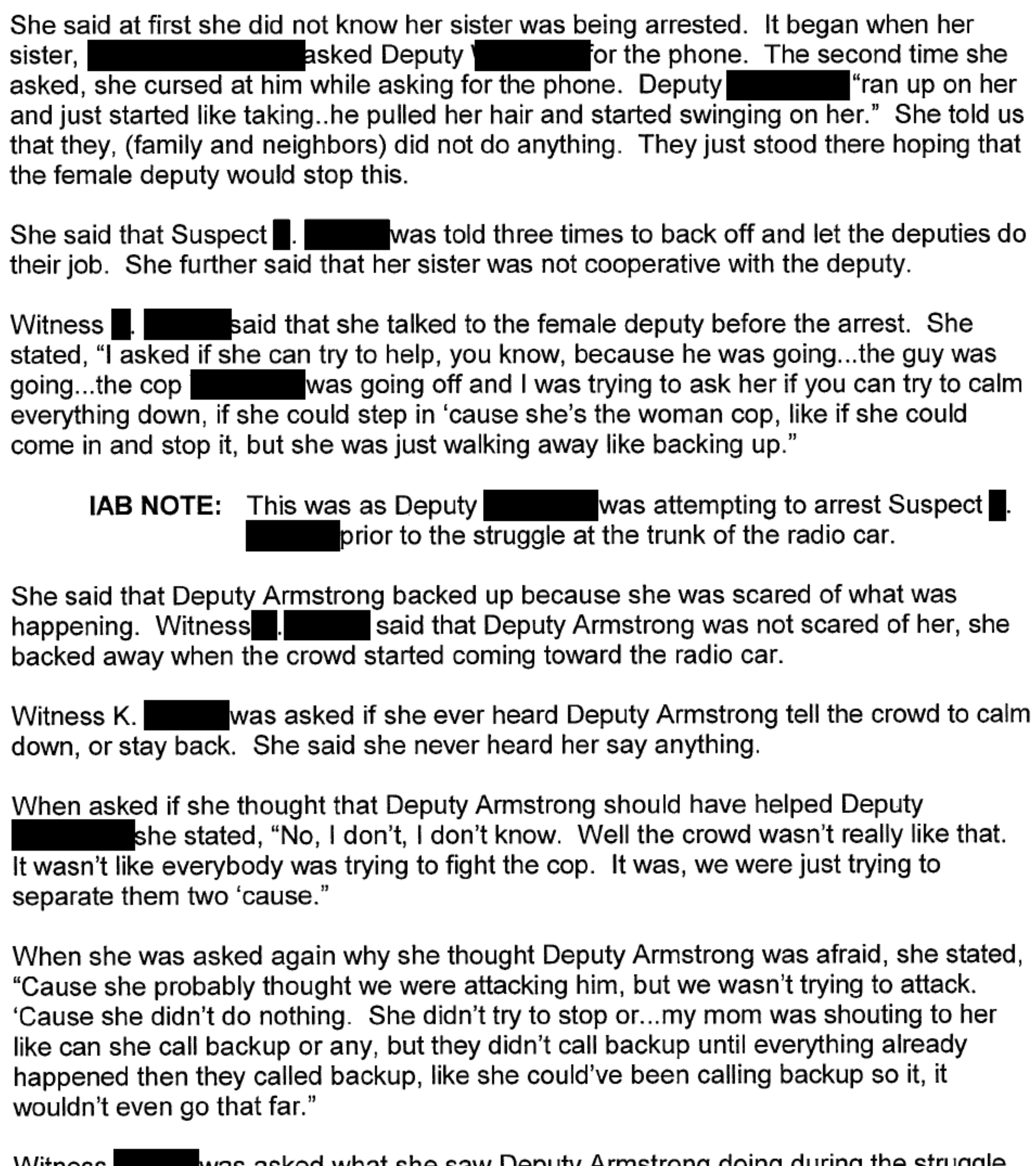
> **IAB NOTE:** Deputy Armstrong said during her interview that she told the crowd numerous times to back away, back up, and to calm down.

She said that she was upset because she thought that the female deputy should have been the one to arrest her, not the male deputy.

Refer to Witness F. [redacted] verbatim interview transcript for further details.

[redacted] Suspect

Witness [redacted]. [redacted] was interviewed on February 16, 2012, at 1219 hours. The interview was conducted at her residence at [redacted] S. Long Beach Bl, Apt. [redacted], in the city of Compton by Sergeants Scott Graham, and Fred Reynolds. The interview was digitally audio recorded.



She said at first she did not know her sister was being arrested. It began when her sister, [redacted] asked Deputy [redacted] for the phone. The second time she asked, she cursed at him while asking for the phone. Deputy [redacted] "ran up on her and just started like taking..he pulled her hair and started swinging on her." She told us that they, (family and neighbors) did not do anything. They just stood there hoping that the female deputy would stop this.

She said that Suspect [redacted]. [redacted] was told three times to back off and let the deputies do their job. She further said that her sister was not cooperative with the deputy.

Witness [redacted]. [redacted] said that she talked to the female deputy before the arrest. She stated, "I asked if she can try to help, you know, because he was going...the guy was going...the cop [redacted] was going off and I was trying to ask her if you can try to calm everything down, if she could step in 'cause she's the woman cop, like if she could come in and stop it, but she was just walking away like backing up."

> **IAB NOTE:** This was as Deputy [redacted] was attempting to arrest Suspect [redacted]. [redacted] prior to the struggle at the trunk of the radio car.

She said that Deputy Armstrong backed up because she was scared of what was happening. Witness [redacted]. [redacted] said that Deputy Armstrong was not scared of her, she backed away when the crowd started coming toward the radio car.

Witness K. [redacted] was asked if she ever heard Deputy Armstrong tell the crowd to calm down, or stay back. She said she never heard her say anything.

When asked if she thought that Deputy Armstrong should have helped Deputy [redacted] she stated, "No, I don't, I don't know. Well the crowd wasn't really like that. It wasn't like everybody was trying to fight the cop. It was, we were just trying to separate them two 'cause."

When she was asked again why she thought Deputy Armstrong was afraid, she stated, "Cause she probably thought we were attacking him, but we wasn't trying to attack. 'Cause she didn't do nothing. She didn't try to stop or...my mom was shouting to her like can she call backup or any, but they didn't call backup until everything already happened then they called backup, like she could've been calling backup so it, it wouldn't even go that far."

Witness [redacted] was asked what she saw Deputy Armstrong doing during the struggle. She stated, "Just standing there. She was standing...I think she was holding a, a gun or, or the taser. One of those, but she was just standing there and if something wrong was going, I...she should've drew, you know, or tried to calm everything down by pointing her taser or something, you know, to calm the, the issue down, but she didn't try to do nothing, like she didn't call backup, she didn't try to stop anything or she could've said something. If anything went wrong, she could've drew her weapon or, or at least that baton or you see what I mean?"

Witness [redacted]. [redacted] said that after the struggle was over, she heard Deputy Armstrong telling the crowd, "that back up is coming and everybody get back 'cause back up was coming."

Refer to Witness [redacted]. [redacted] verbatim interview transcript for further details.

IAB Note: Sergeants Scott Graham, and Fred Reynolds canvassed the apartment building where the incident took place to locate other witnesses. They also spoke with persons standing outside the apartment building in an effort to locate witnesses to the incident. None were found. Sergeant Graham's contact information was left with [redacted] and [redacted] for them to give to any neighbors who might have witnessed the incident . They were instructed to have them contact Sergeant Graham if they witnessed the incident. As of yet, no other witnesses have been come forward.



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 5, 2012

[redacted]

Deputy Penelope Armstrong #[redacted]

Dear Deputy Armstrong:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff Item No. 2708A, with this Department, effective the close of business September 26, 2012.

An investigation under IAB File Number IV2296810, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/050.05, Performance of Duty; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.05, General Behavior; on or about September 10, 2011, while on duty and assigned to the Gang Enforcement Team, you failed to conform to the standards established for your position, and/or take appropriate or proper action on occasion of a crime, disorder or other condition deserving police action, and/or displayed cowardice, and/or failed to support your fellow member who was placed in a life threatening situation as he attempted to perform his duties in a lawful manner, bringing discredit upon yourself or the Department as evidenced by, but not limited to:

   a. failing to take appropriate action, and/or assist, and/or protect your partner who asked for assistance, was surrounded by a crowd of hostile people, choked, and placed in a life threatening situation, and/or;

   b. failing to properly request for help and communicate to Sheriff's Communications Center when your partner was placed in a life threatening situation, and/or;

c. failing to maintain a soldierly bearing and take appropriate action when an arrestee was lynched, and/or;

d. failing to maintain a soldierly bearing and support your partner when he attempted to reestablish order after being assaulted, and was placed in a position of being assaulted a second time, and/or;

e. failing to accurately document your actions within an official crime report (URN 911-13374-2844-058), and provide accurate courtroom testimony regarding your observations and actions.

2. That in violation of Manual of Policy and Procedures, Section 3-01/040.70, False Statements, on or about September 10, 2011, you authored an official crime report, (URN 911-13374-2844-058,) which contained erroneous and/or untruthful information as evidenced by, but not limited to:

a. documenting in a report that you and Deputy Woodard stated "no," when instructing Ms. [redacted] not to approach a patrol vehicle or remove a cell phone from the hood of the patrol vehicle, and/or;

b. documenting in a report you heard [redacted] state prior to being detained or arrested, "Fuck that, I'ma get my [redacted] phone," and/or "Fuck you bitches! Don't tell me what to fucking do! You're both scared little bitches! Why don't you take those fucking badges off? I'll fuck you up! Let's go! Right now! Let's go, fuck you," and/or;

c. documenting you saw Deputy [redacted] grab [redacted] hair, and/or words to that effect, and/or;

d. documenting in a report you attempted to push the males off of Deputy [redacted] and/or words to that effect, and/or;

e. documenting in a report you pushed people to gain position in your effort to control [redacted] and/or words to that effect, and/or;

f. documenting in a report that other men were struggling with "us," and/or words to that effect, and/or;

3. That in violation of Manual of Policy and Procedures, Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and/or 3-01/040.76, Obstructing An Investigation/Influencing a Witness on or about September 10, 2011, and/or January 12, 2011, and/or July 20, 2012, during Departmental internal investigations, and/or March 23, 2012, during an interview with District Attorney personnel, you provided false, and/or misleading statements during the course of official investigations, as evidenced by, but not limited to:

   a. stating the reason for [redacted] arrest was based on Ms. [redacted] calling Deputy [redacted] a nigger, and/or words to that effect, and/or;

   b. stating you did not know what was on the hood of the radio car except it was the detainee's property, until Deputy [redacted] told you it was a cell phone, and/or words to that effect, and/or;

   c. stating you did not hear the exchange of words between Deputy [redacted] and [redacted] before Ms. [redacted] walked away from Deputy [redacted] and/or words to that effect, and/or;

   d. stating you did not believe Deputy [redacted] was in any danger, or stating "no," when asked if you observed Deputy [redacted] being assaulted or choked, and/or words to that effect, and/or;

   e. stating, "I'm positive it would turn into a riot, a very dangerous situation," and/or words to that effect, and/or;

   f. stating you never saw Deputy [redacted] being choked, and/or words to that effect, and/or;

   g. stating you pushed people away to gain access to [redacted] in order to control her, and/or words to that effect, and/or;

   h. stating you physically attempted to move three to four men away from Deputy [redacted] but you were unsuccessful due to their size, and/or words to that effect, and/or;

   i. stating that prior to retrieving and displaying a Taser, you did not perceive the crowd of people as a threat, and/or;

j. stating you did not use force during the incident, and/or words to that effect, and/or;

k. stating you were not injured, and/or;

l. stating you did not realize you were burnt by the cigarette until at least a day after the incident, and/or words to that effect.

4. That in violation of Manual of Policy and Procedures, Section 3-01/040.76, Obstructing An Investigation/Influencing a Witness on or about June 1, 2012 during court testimony you knowingly and deliberately gave false or misleading statements as evidenced by, but not limited to;

   a. stating you did not know a cell phone was placed on the patrol car, or words to that effect, and/or;

   b. stating "no," you did not hear the words exchanged between Deputy [redacted] and [redacted] before he attempted to physically restrain her, and/or;

   c. stating you did not know why Deputy [redacted] was detaining [redacted] and/or words to that effect, and/or;

   d. stating you did not know if Deputy [redacted] was pushed against the patrol car, and/or words to that effect, and/or;

   e. stating you did not see Deputy [redacted] being choked and assaulted, and/or words to that effect, and/or;

   f. stating you pushed people to gain access to [redacted] in an effort to control her, and/or words to that effect, and/or;

   g. stating you were burned by [redacted] with a cigarette on your hand, and/or arm, and/or thumb, and/or words to that effect, and/or;

   h. stating "no" when asked if you saw Deputy [redacted] attempt to grab or detain [redacted]

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packets which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief James Lopez, on September 26, 2012, at 1400 hours, in his office, which is located at 4700 Ramona Boulevard, Monterey Park, California 91754. If you are unable to appear at the scheduled time and wish to schedule some other time prior to September 26, 2012, for your oral response, please call Chief Lopez' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Lopez' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Lopez' office by no later than September 26, 2012.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at [redacted] to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

John H. Clark, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JHC:pmp

c: Advocacy Unit
Employee Relations Unit
Chief James R. Lopez, Field Operations Region II
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2296810)



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

February 7, 2013

Deputy Penelope Armstrong, #[redacted]

[redacted]

Dear Deputy Armstrong:

On January 17, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2296810. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on February 6, 2013.

An investigation under File Number IAB 2296810, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards; and/or 3-01/050.05, Performance of Duty; and/or 3-01/050.20, Duties of all Members; and/or 3-01/030.05, General Behavior; on or about September 10, 2011, while on duty and assigned to the Gang Enforcement Team, you failed to conform to the standards established for your position, and/or take appropriate or proper action on occasion of a crime, disorder or other condition deserving police action, and/or failed to support your fellow member who was placed in a life threatening

situation as he attempted to perform his duties in a lawful manner, bringing discredit upon yourself or the Department as evidenced by, but not limited to:

a. failing to take appropriate action, and/or assist, and/or protect your partner who asked for assistance, was surrounded by a crowd of hostile people, choked, and placed in a life threatening situation, and/or;

b. failing to properly request for help and communicate to Sheriff's Communications Center when your partner was placed in a life threatening situation, and/or;

c. failing to maintain a soldierly bearing and take appropriate action when an arrestee was lynched, and/or;

d. failing to maintain a soldierly bearing and support your partner when he attempted to reestablish order after being assaulted, and was placed in a position of being assaulted a second time, and/or;

e. failing to accurately document your actions within an official crime report (URN 911-13374-2844-058), and provide accurate courtroom testimony regarding your observations and actions.

2. That in violation of Manual of Policy and Procedures, Section 3-01/040.70, False Statements, on or about September 10, 2011, you authored an official crime report, (URN 911-13374-2844-058,) which contained erroneous and/or untruthful information as evidenced by, but not limited to:

a. documenting in a report that you and Deputy [redacted] stated "no," when instructing Ms. [redacted] not to approach a patrol vehicle or remove a cell phone from the hood of the patrol vehicle, and/or;

b. documenting in a report you heard [redacted] state prior to being detained or arrested, "Fuck that, I'ma get my sister's phone," and/or "Fuck you bitches! Don't tell me what to fucking do! You're both scared little bitches! Why don't you take those fucking badges off? I'll fuck you up! Let's go! Right now! Let's go, fuck you," and/or;

c. documenting you saw Deputy [redacted] grab [redacted] hair, and/or words to that effect, and/or;

d. documenting in a report you attempted to push the males off of Deputy [redacted] and/or words to that effect, and/or;

e. documenting in a report you pushed people to gain position in your effort to control [redacted] and/or words to that effect, and/or;

f. documenting in a report that other men were struggling with "us," and/or words to that effect, and/or;

3. That in violation of Manual of Policy and Procedures, Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and/or 3-01/040.76, Obstructing An Investigation/Influencing a Witness on or about September 10, 2011, and/or January 12, 2011, and/or July 20, 2012, during Departmental internal investigations, and/or March 23, 2012, during an interview with District Attorney personnel, you provided false, and/or misleading statements during the course of official investigations, as evidenced by, but not limited to:

a. stating the reason for [redacted] arrest was based on Ms. [redacted] calling Deputy [redacted] a nigger, and/or words to that effect, and/or;

b. stating you did not know what was on the hood of the radio car except it was the detainee's property, until Deputy [redacted] told you it was a cell phone, and/or words to that effect, and/or;

c. stating you did not hear the exchange of words between Deputy [redacted] and [redacted] before Ms. [redacted] walked away from Deputy [redacted] and/or words to that effect, and/or;

d. stating you did not believe Deputy [redacted] was in any danger, or stating "no," when asked if you observed Deputy [redacted] being assaulted or choked, and/or words to that effect, and/or;

e. stating, "I'm positive it would turn into a riot, a very dangerous situation," and/or words to that effect, and/or;

f. stating you never saw Deputy [redacted] being choked, and/or words to that effect, and/or;

g. stating you pushed people away to gain access to [redacted] in order to control her, and/or words to that effect, and/or;

h. stating you physically attempted to move three to four men away from Deputy [redacted] but you were unsuccessful due to their size, and/or words to that effect, and/or;

i. stating that prior to retrieving and displaying a Taser, you did not perceive the crowd of people as a threat, and/or;

j. stating you did not use force during the incident, and/or words to that effect, and/or;

k. stating you were not injured, and/or;

l. stating you did not realize you were burnt by the cigarette until at least a day after the incident, and/or words to that effect.

4. That in violation of Manual of Policy and Procedures, Section 3-01/040.76, Obstructing An Investigation/Influencing a Witness on or about June 1, 2012 during court testimony you knowingly and deliberately gave false or misleading statements as evidenced by, but not limited to;

   a. stating you did not know a cell phone was placed on the patrol car, or words to that effect, and/or;

   b. stating "no," you did not hear the words exchanged between Deputy [redacted] and [redacted] before he attempted to physically restrain her, and/or;

   c. stating you did not know why Deputy [redacted] was detaining [redacted] and/or words to that effect, and/or;

   d. stating you did not know if Deputy [redacted] was pushed against the patrol car, and/or words to that effect, and/or;

   e. stating you did not see Deputy [redacted] being choked and assaulted, and/or words to that effect, and/or;

f. [redacted] stating you pushed people to gain access to [redacted] in an effort to control her, and/or words to that effect, and/or;

g. stating you were burned by [redacted] with a cigarette on your hand, and/or arm, and/or thumb, and/or words to that effect, and/or;

h. stating "no" when asked if you saw Deputy [redacted] attempt to grab or detain [redacted]

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

JAMES R. LOPEZ, CHIEF
FIELD OPERATION REGION II

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

JRL:KJM:AEA:md

c: Advocacy Unit
Robert M. Rifkin, Captain, Operation Safe Streets Bureau
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration